

In the  
**Indiana Supreme Court**



IN THE MATTER OF THE )  
 )  
APPROVAL OF LOCAL RULES )  
 )  
FOR FLOYD COUNTY )

Case No. 22S00-1107-MS-401

ORDER APPROVING AMENDED LOCAL RULE

The judges of the Floyd Circuit and Superior Courts request the approval of an amended local rule for appointment of special judges in accordance with Ind. Trial Rule 79. Attached to this Order is the proposed amended local rule.

Upon examination of the proposed rule amendment requested by the Floyd Circuit and Superior Courts, this Court finds that the proposed rule amendment, LR22-TR79-116, complies with the requirements of Ind. Trial Rule 79, and accordingly, should be approved.

IT IS, THEREFORE, ORDERED by this Court that Floyd County Local Rule, LR22-TR79-116, set forth as an attachment to this Order, is approved effective July 1, 2011, provided further that the rule shall be posted in the county clerk's office(s) and on the county clerk's website, if any, and on the Indiana Judicial Website.

The Clerk of this Court is directed to forward a copy of this Order to the Hon. J. Terrence Cody, Floyd Circuit Court, 311 West First Street, #417, New Albany, IN 47150-5856; the Hon. Maria Granger, Floyd Superior Court, 311 West First Street, New Albany, IN 47150; the Hon. Glenn G. Hancock, Floyd Superior Court 2, 311 West First Street, #425, New Albany, IN 47150-5856; the Hon. Susan Lynn Orth, Floyd Superior Court 1, 311 West First Street, #200, New Albany, IN 47150-5856; to the Clerk of the Floyd Circuit and Superior Courts; and to the Division of State Court Administration. The Clerk is also directed to post this Order on the Court's website.

The Clerk of the Floyd Circuit and Superior Courts is directed to enter this Order and attachment in the Record of Judgments and Orders for the Courts, to post this Order and

attachment for examination by the Bar and the general public, and if available, to publish this Order and attachment on the county clerk's website.

DONE at Indianapolis, Indiana, this 1<sup>st</sup> day of July, 2011.

RT Shepard  
Randall T. Shepard  
Chief Justice of Indiana

**LR22-TR79-116**  
**APPOINTMENT OF SPECIAL JUDGES**

**A. SELECTION OF ASSIGNMENT JUDGE.** On or before October 1st of each year, the Judges of the Circuit and Superior Courts of Floyd County shall meet with the presiding judges of Administrative District 23 for the purpose of selecting a judge designated as the assignment judge who shall serve the Administrative District for a period of twelve (12) months.

**B. SECTION H APPOINTMENTS.** In the event it becomes necessary to appoint a special judge under Section H of Trial Rule 79 of the Indiana Rules of Trial Procedure, the judge before whom the case is pending shall send notice of the need of the appointment of a special judge to the Administrative District's assignment judge who shall then make such assignment within five (5) days of receiving said notice.

**C. METHOD OF ASSIGNMENT.** The Administrative District's assignment judge shall select special judges from a roster of the available judges in the Administrative District. The assignments shall be in a sequential order beginning with the name of the judge following the last judge so assigned. If, however, a judge is otherwise disqualified to hear a particular case, that judge shall be deemed to be the next in sequence until assigned a case. The assignment judge shall maintain a record of all assignments and shall issue a summary report of the assignments on a quarterly basis.

**D. ROSTER OF AVAILABLE JUDGES.** The roster of available judges in Administrative District 23 shall be maintained by Court designation in the following sequential order and shall include senior judges as available:

- |                      |   |
|----------------------|---|
| (1) Clark Circuit #1 | (6) Floyd Superior #1                                     |
| (2) Clark Circuit #2 | (7) Floyd Superior #2                                     |
| (3) Clark Circuit #3 | (8) Floyd Superior #3                                     |
| (4) Clark Circuit #4 | (9) Scott Circuit   |
| (5) Floyd Circuit    | (10) Scott Superior                                       |
|                      | (11) Senior Judges who agree to serve as<br>Special Judge |

**E. APPOINTMENT ORDER.** Upon selecting a special judge, the assignment judge shall prepare an Order of Appointment and forward said Order to the judge before whom the case is pending and enter an Order of Appointment and forward a copy of the Order to the special judge and the attorneys of record.

**F. ACCEPTANCE OF JURISDICTION.** The Order of Appointment, when entered on the CCS by the judge before whom the case is pending, shall constitute acceptance of jurisdiction by the appointed special judge unless the judge is otherwise disqualified, and no special appearance, oath or additional evidence of acceptance shall be required.

**G. IMPLEMENTATION OF RULE.** In the event a selected judge does not accept an appointment to serve as a special judge under the provisions of Section (D), (E) or (F) of Trial Rule 79 of the Indiana Rules of Trial Procedure, the judge before whom the case is pending shall notify the assignment judge of the need for an appointment of a special judge under this local rule.

**H. CERTIFICATION TO SUPREME COURT.** If, under the provisions of this Rule, no judge is eligible to serve as a special judge in a case, the assignment judge shall notify the judge before whom the case is pending who shall then certify such fact to the Indiana Supreme Court for the appointment of a special judge.

If the judge before whom the case is pending is of the opinion that the particular circumstances of a case warrants selection of a special judge by the Indiana Supreme Court, said judge shall certify such facts to the Indiana Supreme Court for the appointment of a special judge. Under such circumstance this Rule shall not be implemented unless the Indiana Supreme Court declines to appoint a special judge.

**I. FORM OF ORDER.** The Order of Appointment shall be in the following form:

IN THE \_\_\_\_\_ COURT FOR \_\_\_\_\_ COUNTY  
STATE OF INDIANA

(CAPTION)

**ORDER OF APPOINTMENT**

Under the provisions of Trial Rule 79(H) of the Indiana Rules of Trial Procedures, the Honorable \_\_\_\_\_ of the \_\_\_\_\_ Court of \_\_\_\_\_ County is hereby appointed to serve as Special Judge in the above-captioned case.

SO ORDERED AND ASSIGNED this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, BY THE  
ASSIGNMENT JUDGE FOR THE 23RD JUDICIAL DISTRICT.

\_\_\_\_\_  
Judge \_\_\_\_\_